

REMARKS

Claims 1, 3-26 and 28 are pending. Claims 1, 5, 10, 15, 19 and 24 have been amended. In particular, claim 1 has been amended to remove the language of "and parts thereof". Additionally, claim 1 has been amended to replace the recitation of "carrying" in limitation b) with "combined with". Claims 5 and 24 have been amended to remove the recitation of "or parts thereof". Additionally, claims 10, 15 and 19 have been amended so as to be of suitable dependent form. Claim 27 has been cancelled. Lastly, new claim 28 has been added as supported by claims 1 and 25 and the present specification at page 6, lines 27-29. Accordingly, no new matter has been added.

In view of the following remarks Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Request for Rejoinder

Applicants respectfully request that the Examiner rejoin claims 6-9, 16, 17 and 24. In particular, these claims are all dependent claims. Additionally, the claims upon which these claims depend are allowable and free of rejection as will be described below. Accordingly, the Examiner is respectfully requested to rejoin these "withdrawn" claims and move the entire application to allowance.

Issues Under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1, 3-5, 10-15, 18-23 and 25-27 under 35 U.S.C. §112, second paragraph, for the reasons recited at pages 2 and 3 of the outstanding Office Action. Applicants respectfully traverse these rejections.

First, the Examiner asserts that the recitation of "carry" in claim 1 creates indefiniteness when combined with the recitation of "carrying" in another portion of claim 1. Accordingly, Applicants have amended claim 1 to rectify this issue. Thus, this rejection is moot.

Second, the Examiner has rejected claims 10, 15 and 19 for being of a allegedly improper dependent format. Applicants respectfully traverse and submit that each of these claims have been amended so as to be either an independent claim or of proper dependent format. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

In summary, Applicants respectfully submit that all currently pending claims satisfy the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, the Examiner is respectfully requested to withdraw these rejections.

Issues Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 5, 20 and 23 under 35 U.S.C. § 102(b) as being anticipated by Kohler et al. Applicants respectfully traverse.

The Examiner has pointed out that the language in claim 1 relating to "hydrophobin-like proteins and parts thereof" results in limitation wherein the "parts" of the "hydrophobin-like proteins" would allegedly encompass any peptides or proteins which behave like hydrophobin and have a partitioning coefficient in the hydrophobic phase of the ATPS. Applicants disagree and submit that the targeting protein according to claim 1 of the present invention is either a hydrophobin or a hydrophobin-like protein. The "parts" language has been removed from the claim. Accordingly, Applicants respectfully submit that there is no anticipation of claims 1, 5, 20 or 23 based upon the Kohler reference.

Further, Applicants direct the Examiner's attention to the non-rejected dependent claims, in particular, dependent claims 25 and 26 and new claim 28.

Issues Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1 and 20-21 under 35 U.S.C. §103(a) as being obvious over Kohler in view of Liu and "reference 1" ("Detergent/Surfactants", page 1-6). Applicants respectfully traverse this rejection.

As discussed above, Kohler fails to suggest or disclose the targeting protein which is either a hydrophobin or a hydrophobin-like protein. At most, as alleged by the Examiner, Kohler discloses a "part" of a hydrophobin-like protein, a point not conceded by Applicants. However, this is outside of the scope of the subject matter of claims 1, 20

and 21. Neither Kohler nor Liu, when taken in combination, are able to cure this deficiency. Accordingly, Applicants respectfully submit that the Examiner has failed to present a valid *prima facie* case of obviousness. Reconsideration and withdrawal of the outstanding rejection is therefore requested.

Further, Applicants direct the Examiner's attention to new claim 28, which is distinguished from Kohler due to the nature of the targeting protein.

If the Examiner has any questions or comments, please contact Craig A. McRobbie (Registration No. 42,874) at the office of Birch, Stewart, Kolasch and Birch, LLP.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for


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any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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